

**UNITED STATES BANKRUPTCY COURT
Eastern District of Pennsylvania**

In Re:)	
)	
Linda Patton)	Case No. 24-10875-amc
)	
Debtor(s))	

PRAECIPE TO WITHDRAW PROOF OF CLAIM

eXp Realty, LLC, Creditor No. 14867174 (“eXp”), hereby moves the Court to withdraw Claim No. 1 filed by eXp Realty, LLC, pursuant to Rule 3006 of the Federal Rules of Bankruptcy Procedure.

PRELIMINARY STATEMENT

Claimant filed a proof of claim on or about March 22, 2024, long before any Plan was proposed. On or about July 16, 2024, Debtor filed an Objection to the claim. No adversary action has been initiated. eXp Realty, LLC has not meaningfully participated in this case. Nor has it been involved whatsoever with the plan.

After conferring with Debtor’s counsel and in consideration of the cost and uncertainty of pursuing the Claim after considering the Objection, eXp now wishes to withdraw this Claim.

Debtor does not object to the withdrawal of this Claim. The specific claim information is detailed below:

Debtor Name and Case Number: Linda Patton / 24-10875-amc

Creditor Name and Address: eXp Realty, LLC / 2219 Rimland Avenue, Ste. 301, Bellingham, Washington, 98226

Creditor No: 14867174

Date Claim Filed: March 22, 2024

Total Amount of Claim Filed: \$59,745.00

LEGAL AUTHORITY

Rule 3006 of the Federal Rules of Bankruptcy Procedure provides:

A creditor may withdraw a claim as of right by filing a notice of withdrawal, except as provided in this rule. If after a creditor has filed a proof of claim an objection is filed thereto or a complaint is filed against that creditor in an adversary proceeding, or the creditor has accepted or rejected the plan or otherwise has participated significantly in the case, the creditor may not withdraw the claim except on order of the court after a hearing on notice to the trustee or debtor in possession, and any creditors' committee elected pursuant to § 705(a) or appointed pursuant to § 1102 of the Code. The order of the court shall contain such terms and conditions as the court deems proper. Unless the court orders otherwise, an authorized withdrawal of a claim shall constitute withdrawal of any related acceptance or rejection of a plan.

Debtor has consented to the relief sought herein. Sister courts have looked to factors such as “diligence in pursuing withdrawal of the claim, undue vexatiousness, the extent the [claim] has ‘progressed,’ duplication of litigation expense, explanation of the need to withdraw, delay in prosecution of the [claim], prejudice to others and the importance of the claim to the reorganization effort” *Collier on Bankruptcy* ¶ 3006.01 (Alan N. Resnick & Henry J. Sommer, eds., 16th ed.2011); *see also in re Varona*, 388 B.R. 705, 727 (Bankr.E.D.Va.2008) in examining whether withdrawal is appropriate.

Here, after conferring with Debtor’s counsel, eXp has praeciped to withdrawal its claim. Other than filing the Proof of Claim, eXp has taken no other action to litigate or otherwise pursue the claim. Nor has the claim progressed in any sense; it has not been litigated, no adversary action has been filed, and eXp has not participated at all in any plan discussions. eXp is unaware of any prejudice the withdrawal would have on any parties to the underlying action.

Accordingly, for the reasons herein, eXp respectfully asks the Court to withdraw its pending claim in this matter.

Executed Date: July 25, 2024

Respectfully submitted:

By: Mary L. O'Rourke, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praecipe to Withdraw Claim and Notice of Objection Deadline was served this 25th day of July, 2024, upon the following parties via the Court's ECF system:

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Trustee
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Philadelphia, PA 19107
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/s/ Mary L. O'Rourke